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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,650	04/20/2006	Gerard Queveau	19591/177/101	5434
5909 7590 04/03/2009 NAWROCKI, ROONEY & SIVERTSON SUITE 401, BROADWAY PLACE EAST 3433 BROADWAY STREET NORTHEAST MINNEAPOLIS, MN 554133009				
EXAMINER				
GLASS, ERICK DAVID				
ART UNIT		PAPER NUMBER		
2837				
MAIL DATE		DELIVERY MODE		
04/03/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/576,650

Applicant(s)

QUEVEAU ET AL.

Examiner

Erick Glass

Art Unit

2837

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, and 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamada (US 5,998,960).

With respect to claim 1, Yamada teaches an electrical power supply system for an electrically powered motor vehicle, said vehicle including an electric motor (fig. 5, 6), a transmission device (fig. 5, 7 and 8) for transmitting energy between the drive wheels (fig. 5, 91 and 92) and the motor, and electrical accessories, in particular an air-conditioning device (fig. 5, 13), said system comprising a first rechargeable battery (fig. 1, 41) serving to power the electric motor and a second rechargeable battery (fig. 1, 42) serving to power the electrical accessories of the vehicle, said system being characterized in that the first battery and the second battery are connected in parallel (column 4, lines 29-31) to said motor via a switch device (fig. 1, 43), said switch device being arranged to switch the current for powering the motor from the first battery to the second battery and conversely as a function of at least one energy threshold, said energy threshold being a predetermined value (column 5, lines 42-44) for which the energy delivered by the first battery is not sufficient for the motor to have the power necessary to move the vehicle (column 4, lines 51-57).

With respect to claim 2, Yamada teaches characterized in that the first battery is a battery of the Lithium-ion (column 4, line 19) or Lithium-ion-polymer type.

With respect to claim 6, Yamada teaches said method being characterized in that it consists in: acting, when the energy delivered by the first battery is greater than a discharge energy threshold, to cause the motor to be powered by the first battery so as to drive the drive wheels via the transmission device (column 5, lines 34-41); and acting, when the energy delivered by the first battery is less than the discharge energy threshold, to activate the switch device so as to cause the motor to be powered by the second battery (column 4, lines 51-57), and so as to drive the wheels via the transmission device.

With respect to claim 7, Yamada teaches characterized in that it further consists in: acting, when the energy necessary for the motor is greater than a low energy threshold, to cause the motor to be powered by the first battery so as to drive the drive wheels via the transmission device (column 5, lines 34-41); and acting, when the energy necessary for the motor is less than the low energy threshold, to activate the switch device so as to cause the motor to be powered by the second battery (column 4, lines 51-57) and so as to drive the wheels via the transmission device.

With respect to claim 8, Yamada teaches characterized in that it further consists in acting, in the event of deceleration, to cause the switch device to be activated so as to deliver a recharging current essentially to the first battery by transmission of energy from the wheels to the motor (column 5, lines 1-5).

With respect to claim 9, Yamada teaches an electrically powered motor vehicle including electrical accessories (fig. 5, 13), said motor vehicle being characterized in that it includes an electrical power supply system (abstract).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada (US 5,998,960).

With respect to claim 3, Yamada does not teach characterized in that the second battery is a battery of the Lithium-metal-polymer type. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a Lithium metal type battery, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

With respect to claim 4, Yamada discloses the claimed invention except for range of 40 to 55kW. It would have been obvious to one having ordinary skill in the art at the time the invention was made to further disclose working voltages, and wattage of the hybrid vehicle, since it has been held that where the general conditions of a claim

are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

With respect to claim 5, Yamada does not teach characterized in that the second battery is capable of delivering power of about 15 kW.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to further disclose working voltages, and wattage of the hybrid vehicle, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum value involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Response to Arguments

Applicant's arguments filed 1/5/09 have been fully considered but they are not persuasive.

Applicant's argument is that the first and second battery are not connected via a switch device arranged to power the motor from the main battery to the capacitor and conversely. The examiner respectfully disagrees, and feels the applicant is putting more detail into the claim language than what is present.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., being switched from only the main battery to only second battery (capacitor)) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erick Glass whose telephone number is (571)272-8395. The examiner can normally be reached on 9-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Benson can be reached on 571-272-2227. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BENTSU RO/
Primary Examiner, Art Unit 2837

/Erick Glass/
Examiner, Art Unit 2837